

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

THIS DOCUMENT RELATES TO ALL CASES

MDL NO. 16-2738 (FLW) (LHG)

**THE PLAINTIFFS' STEERING COMMITTEE'S NOTICE OF THE 30(b)(6)
DEPOSITION OF DEFENDANT JOHNSON & JOHNSON CONSUMER INC.**

PLEASE TAKE NOTICE that pursuant to Rule 26 and Rule 30(b)(6) of the Federal Rules of Civil Procedure, the Plaintiffs' Steering Committee (PSC) will take the deposition of Defendant Johnson & Johnson Consumer Inc. through designated corporate representative(s), on the topics set forth in Schedule A, *infra*, on July 8, 2021, beginning at 10:00 am Eastern remotely via zoom before a certified court reporter and videographer. The deposition, which shall be taken by stenographic means before a certified court reporter, or other person authorized to take oaths will continue from day to day until the examination is completed.

DEFINITIONS

1. *J&J* shall be applied broadly to include Johnson & Johnson and all related entities that are a part of the Johnson & Johnson family of companies.
2. *Johnson's Baby Powder* refers to all products manufactured or distributed by *J&J* with the words baby powder included in its labeling.
3. *Johnson's Powder Products* includes all powders labeled or marketed by *J&J* for use as a body powder regardless of the intended or targeted *population subgroup* and regardless of constituents.
4. *Johnson's Talcum Powder Products* includes all *Johnson's Powder Products* containing talc or labeled as talcum powder.
5. *Brand* shall refer to the standing, reputation, image or opinions held by the public at large for *Johnson's Baby Powder* product line as well as any impact the *Johnson's Baby*

Powder product line may have on the standing, reputation, image or opinions held by the public at large for *J&J*.

6. *Advertisements* shall include all efforts to affect use of or opinions held by actual consumers of *Johnson's Powder Products* or the public at large for the *J&J Brand* or *Johnson's Powder Products* and, as such, shall extend to public relations, promotional, sponsorship, and social media activities, whether generated directly by *J&J* or through a *Vendor*.
7. *Marketing* refers to any program, plan or strategy developed or applied to affect use of or opinions held by consumers of *Johnson's Powder Products* or the public at large for *Johnson's Powder Products* or *Brand*.
8. *Research* shall include any effort to study and collect information pertaining to buying behavior, use, or opinions held by actual consumers of *Johnson's Powder Products* or the public at large for the *J&J Brand* or *Johnson's Baby Powder* and, as such, shall include surveys, focus groups or like methods of collecting such information.
9. *Population Subgroup* shall refer to any grouping of the population regardless of how the grouping may be defined or created, including characteristics such as age, color, weight, ethnicity, language, heritage, geography or other like label.
10. *Vendor* refers to any person or entity outside of the Johnson & Johnson family of companies and includes both a person or entity providing a service to or interacting with *J&J* as well as a person or entity providing a service to or interacting with customers or potential customers for products marketed by *J&J*.
11. Relevant Time Period: The relevant time period for the topics included in this Notice shall be 1960 to 2020.
12. The terms *and* and *or* are to be applied so as to give the broadest possible scope to a topic or request.

INSTRUCTIONS

1. Defendant JJCI shall designate one or more officers, directors, managing agents, or other persons who consent to testify on Defendant JJCI's behalf who are most knowledgeable with respect to the deposition subject matter topics listed in Schedule A.
2. Each deponent is instructed to produce at deposition: copies of any and all documents reviewed or read in preparation for the deposition; copies of any and all documents or tangible things related to or referring to the subjects listed in this notice contained in the deponent's files, papers, or other materials; and a copy of his or her resume or *Curriculum Vitae*.
3. Each deponent should be prepared to discuss their competency to testify to subject matter the designee for which they were designated. For example, they should be prepared to testify about the following:
 - a. The relationship between the designee and the Defendant, including any prior or continuing relationships with the Defendant. For any witness specially retained as a designee, the terms of any agreements specific to the witness' testimony.
 - b. The designee's occupational experience, familiarity, and proficiency with the subject matter.
 - c. The identity of any published writings, lectures, or presentations made by the witness concerning the same or similar subject matter.
 - d. The witness' understanding of his or her role as the Defendant's subject matter designee;
 - e. All activities undertaken by the designee to specifically prepare for the testimony about the subject matters, to include the identification of things examined, information reviewed, and the identity of any current or former employees interviewed.
 - f. Whether reviewed or not by the witness, the existence and identity of any prior testimony by the Defendant concerning the same or similar subject matter.
 - g. The identity of any prior instances of sworn testimony rendered by the witness in a judicial or administrative proceeding.

SCHEDULE B - TOPICS

1. Responsibility for *marketing, advertisement, research* and public relations related to *Johnson's Powder Products* within the *J&J* corporate structure.
2. The historical evolution of marketing strategies for *Johnson's Powder Products*.
3. *Johnson's Baby Powder* and its role and relationship with the *J&J brand*.
4. The *advertisements* generated by or on behalf of *J&J* for *Johnson's Powder Products*.
5. *Research* proposed or undertaken for the *J&J Brand* or *Johnson's Powder Products*.
6. *Marketing, advertisement or research* targeting a particular age group or other *population subgroup*.
7. The terms safe or pure in *marketing, advertisement or research* for *Johnson's Talcum Powder Products*.
8. The retention and role of persons or companies not part of *J&J* who have participated in or contributed to *J&J marketing, advertisement or research*.
9. Labeling of *Johnson's Powder Products*.
10. *Marketing, advertisement or research* for *J&J's Shower to Shower products* and the *Shower to Shower product line*.
11. *Marketing, advertisements or research* for *Johnson's Powder Products* with the words "corn starch" on the product labeling.
12. Annual budgets for *marketing, advertisement, or research*, including available categorizations such as product line, the type of *advertising or marketing*, and demographic or geographical categories.
14. Collection and analysis of adverse or negative publicity directed toward *Johnsons' Baby Powder* or the *J&J Brand*.

SCHEDULE B – DOCUMENT REQUEST

1. Curriculum vitae(s) (“CVs”) of the designated witness(es). Please produce the requested CVs at least seven days prior to the deposition date.

Dated: June 10, 2021

RESPECTFULLY SUBMITTED,

/s/ Michelle A. Parfitt
Michelle A. Parfitt
ASHCRAFT & GEREL, LLP

/s/ P. Leigh O'Dell
P. Leigh O'Dell
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.

Plaintiffs' Co-Lead Counsel

/s/ Christopher M. Placitella
Christopher M. Placitella
COHEN, PLACITELLA & ROTH, P.C.

Plaintiffs' Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive services in this MDL.

/s/ P. Leigh O'Dell
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